

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMO DEVELOPMENT, LLC,
AMO MANUFACTURING USA, LLC
and AMO SALES AND SERVICE, INC.,

Plaintiffs,

v.

ALCON VISION, LLC,
ALCON LABORATORIES, INC., and
ALCON RESEARCH, LLC,

Defendants.

C.A. No. 20-842-CFC-JLH

ALCON INC.,
ALCON RESEARCH, LLC, and
ALCON VISION, LLC,

Counter-Plaintiffs,

v.

AMO DEVELOPMENT, LLC,
AMO MANUFACTURING USA, LLC,
AMO SALES AND SERVICE, INC.,
and JOHNSON & JOHNSON
SURGICAL VISION, INC.

Counter-Defendants.

**STIPULATION AND ~~PROPOSED~~ ORDER FOR PARTIAL STAY
PENDING INTER PARTES REVIEW**

IT IS HEREBY STIPULATED, by and between the parties, and subject to the approval of the Court, that:

WHEREAS, in the above-captioned action, there are patent and copyright claims at issue;

WHEREAS, the parties petitioned the Patent Trial and Appeal Board (the “PTAB”), seeking *inter partes* review (“IPR”) of the asserted claims from each other’s patents, and while some IPRs have already been instituted, the last of the IPR institution decisions is not expected until December 22, 2021, six days after the Hearing on Claim Construction (D.I. 61);

WHEREAS, the parties have met and conferred and agree that a partial stay as to the patent claims, but not the copyright claims, is appropriate;

NOW THEREFORE it is the Order of the Court, that:

1. All patent claims in the above-captioned case (the “Patent Claims”) shall be stayed as to all patents in the case asserted by either side, pending the PTAB’s last-to-issue final written decision or otherwise agreed by the parties;

2. After the PTAB issues final written decisions for all instituted asserted patents, the parties shall contact the Court to request a hearing to notify the Court of the outcome of those decisions and to propose a schedule for any further proceedings with respect to the asserted patents;

3. The parties shall exchange, but not file, *Markman* sur-reply briefs on November 12, 2021. All other dates relating to the *Markman* shall be vacated, including:

- The deadline to Meet and Confer on Claim Construction by November 30, 2021 (D.I. 61);
- The Hearing on Claim Construction set for December 16, 2021 (D.I. 61); and
- The Oral Argument on Defendants' Motion to Dismiss the Second Amended Complaint on December 16, 2021 (D.I. 143);

4. This stay regarding the Patent Claims does not affect the copyright claims, and discovery and trial on the copyright claims shall proceed as scheduled.

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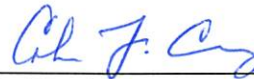
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November 11, 2021

SO ORDERED on this 15th day, November, 2021



Chief Judge